

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRYL OWEN WALIZER,

Defendant.

2:10-CR-00124-PMP-RJJ

ORDER

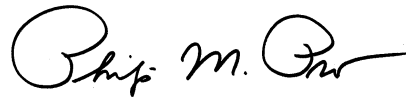
Before the Court for consideration is Defendant Owen Walizer's fully briefed Motion to Dismiss Count Two of the Indictment or, Alternatively, Determine the Elements and Proof Required for Conviction (Doc. #25), filed on June 25, 2010. On December 30, 2010, the Honorable Robert J. Johnston, United States Magistrate Judge entered a Report & Recommendation (Doc. #51) recommending that Defendant's Motion be denied.

Defendant Walizer filed timely Objections to the Report & Recommendation of Magistrate Judge Johnston (Doc. #55), to which Plaintiff United States Responded (Doc. #57) on January 18, 2011.

Having conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 3-2 and determines that Magistrate Judge Johnston's Report & Recommendation (Doc. #51) should be Affirmed. **IT IS ORDERED.**

1 **IT IS FURTHER ORDERED** that Defendant Owen Walizer's Motion to
2 Dismiss Count Two of the Indictment or, Alternatively, Determine the Elements and
3 Proof Required for Conviction (Doc. #25) is **DENIED**.

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5 DATED: February 2, 2011.

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8 PHILIP M. PRO
9 United States District Judge
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